

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Travis Widner,

Court File No. _____

Plaintiff,

v.

**DEFENDANT RAY MAR
PROPERTIES, LLC'S
NOTICE OF REMOVAL**

Ray Mar Properties, LLC

Defendant.

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA.**

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441(a), Defendant Ray Mar Properties, LLC (“Defendant”) removes to this Court the state court action described below. As grounds for removal, Defendant states as follows:

BACKGROUND

1. On October 7, 2021, Plaintiff Travis Widner (“Plaintiff”) commenced in a civil action in Hennepin County District Court, Fourth Judicial District, State of Minnesota, an action entitled *Travis Widner v. Ray Mar Properties, LLC* (the “Action”). A true and correct copy of Plaintiff’s Summons and Complaint served upon Defendant, and Defendant’s Answer to Plaintiff’s Complaint, are attached as **Exhibit A** and **Exhibit B**, respectively. No further proceedings have taken place in the state action.

2. The Complaint may be properly removed on the basis of federal question jurisdiction under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331. This matter involves

questions of federal law that arise under Title III of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*

3. This Notice is timely filed within 30 days of service of the Summons and Complaint on Defendant. 28 U.S.C. § 1446(b).

4. For the foregoing reasons, Plaintiff's claims against Defendant are properly removed to this Court as arising under the laws of the United States and presenting federal questions pursuant to 28 U.S.C. § 1331.

5. Further, the District Court may act in its discretion by exercising supplemental jurisdiction over any state law claims not completely preempted. 28 U.S.C. § 1367.

6. Defendant submits this notice and petition without waiving any defenses to the claims asserted by Plaintiff, or conceding that Plaintiff has pleaded claims upon which relief may be granted.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the alleged events giving rise to Plaintiff's claims occurred in this judicial district.

8. In accordance with 28 U.S.C. § 1446, Defendant will serve a copy of this Notice of Removal upon Plaintiff's counsel of record by e-mailing and depositing said Notice in the U.S. Mail addressed to Plaintiff's counsel of record promptly after the filing of this Notice of Removal.

9. In accordance with 28 U.S.C. § 1446, Defendant will file a copy of this Notice of Removal with the Dakota County Court Administrator, First Judicial District, State of Minnesota, by electronic filing promptly after the filing of this Notice of Removal.

10. Defendant has paid the prerequisite court fees attendant to the filing of this Notice of Removal.

WHEREFORE, Defendant Ray Mar Properties, LLC respectfully requests that the above-entitled action now pending against it in Dakota County District Court, First Judicial District, State of Minnesota, be removed to this Court.

Dated: November 8, 2021

**LIND JENSEN SULLIVAN & PETERSON,
A PROFESSIONAL ASSOCIATION**

By: s/ Ryan P. Myers

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